

1/23/21 - Joe Cerini's emails to Oneida County...

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**Replying as Joseph Cerini  
on behalf of Citation Services tenant 418 Lafayette St Corporation**

**Public Hearing Transcript with comments proceeding the transcript**

Peter Rayhill: I'm just looking for someone to nod.

OK, I'm sorry about that. Hopefully you can all hear me now, my name is Peter Rayhill. I am the county attorney for the county of Oneida, and I first want to thank everyone and welcome everyone who is participating here tonight.

The county of Oneida is going to construct a parking garage in downtown Utica. This garage will be centrally located in the city, convenient to the city court, the Adirondack Bank Center, and the new hospital. Most of the land where the garage will be built has been acquired. Those parcels which have not been acquired are necessary for the construction of the parking garage. Accordingly, the county will proceed to acquire title to those properties pursuant to the provisions of New York's Eminent Domain Procedure Law.

The parcels to be acquired are:

525-527 Oriskany Street, Tax Map Number 318.34-1-23.1 and 23.2;

418-430 Lafayette Street, Tax Map 318.34-1-25-26-27-28 and 29;

442 Lafayette Street, Tax Map Number 318.34-1-33; and

400-406 Lafayette Street, Tax Map Number 318.34-1-22.

This public hearing is being conducted pursuant to New York State's Eminent Domain Procedure Law. It is an opportunity for those who wish to provide comments and information to the Oneida County board of legislators to do so. At this point, I'm going to turn the proceedings over to Mark Laramie, who will provide a description of the project. Mark...

Mark Laramie: Thank you, Peter.

Give me a moment. I'm trying to share a screen. Is that screen sharing correctly?

Unknown: Yes, it is.

Mark: OK, thank you.

As Peter said, I am Mark Laramie. I am the Commissioner of Public Works for Oneida County. I will give you a brief description of the project. This project will construct a 1,050 space, three-level parking garage with public entrances on the east and west ends. The garage will be located immediately adjacent to the Utica Auditorium, Utica City Court House, , and the new Mohawk Valley Health System hospital.

More specifically, as shown on the shared site plan, the parking garage will be bordered by Oriskany Street on the north, Lafayette Street on the south, Cornelius Street on the east, and State Street on the west. This location was selected primarily due to its joint proximity to the new Mohawk Valley Health System Hospital, Utica Auditorium, Utica City Courthouse, and the future Nexus Center. No other location under consideration could realistically serve all these facilities. The influence and environmental and local impact include reduced demand for on-street parking, reduced traffic congestion in the area adjacent to the proposed parking garage, and a reduced need for development of large surface parking lots in the surrounding area.

With that, I will ask the moderator to accept public comments.

**Your meeting starts off as the County of Oneida is going to construct a parking garage in downtown Utica. If this is a Public Meeting, shouldn't you be asking, if this meeting is to get public input that the county would say like too instead of going too?**

**This garage will be centrally located in the city, convenient to the city court, the Adirondack Bank Center, and the new hospital.  
this garage will be centrally located, and you start with the City Court when they already have their own lot, and property up for sale (Eggars Carl & Corrigan building) available with lot behind and to the east of it.**

**Your garage location is not at all convenient to the city court and pedestrians going to the Adirondack Bank Center, sharing space with the hospital does not take into account that Comets games start to fill spaces or leaving just when visitors would be visiting their families 4:30 PM until later.**

**Most of the land where the garage will be built has been acquired. You stated that most of the land has been acquired by the county per your map.**

**Is not the property acquired still the majority of the property needed? 525-527 Oriskany Street tax ID 318.34-23-1 and 318.34.23-2, 400-406 Lafayette Street, tax ID 318.34-1-22, 442 Lafayette St, tax ID 318.34-1-33 and 418-430 Lafayette St , tax ID 318.34-1-25, 318.34-1-26, 318.34-1-27, 318.34-1-28, 318.34-1-28, 318.34-1-**

**29 adds up to a majority and has not been acquired. Isn't all property not acquired by the county needed?**

**Is Eminent domain being applied uniformly? If any of these properties are not owned by the county then Eminent Domain is not being applied uniformly. Is Carton Ave and 416 Lafayette St 318.034-1-24 in your hands or does the city own it.**

**Does the county own 318.034-1-21 (Niagara Mohawk).**

**Does MVHS own 318.041-1-30 , 318.034-1-32 318.034-1-34, 318.034-1-35, 318.034-1-38, 318.034-1-39**

**Mark Laramie states the garage will be located immediately adjacent to the Utica Auditorium, Utica City Court House**

**Immediately adjacent, in legal usage, generally means "adjoining or abutting, rather than in the vicinity Mohawk Valley Health System Hospital, Utica Auditorium, Utica City Courthouse, and the future Nexus Center.**

**No other location under consideration could realistically serve all these facilities. The influence and environmental and local impact include reduced demand for on-street parking, reduced traffic congestion in the area adjacent to the proposed parking garage.**

**With a parking garage filling with cars are we not increasing traffic congestion off of Oriskany Boulevard?**

**alternate sites are available**

**Was not the Kennedy Garage oked for a overhead link to the hospital, with sufficient surface parking on Columbia St enough parking for the hospital, since the MOB (Medical Office Buildings) is another unfunded project and there are no plans for those as of yet?**

**Has there been a study on traffic or was this one of Oneida County/Utica just check the box?**

Replying as Joseph Cerini  
on behalf of Citation Services tenant 418 Lafayette St Corporation

A parcel already owned by the city/ county or land whose owner is willing to sell should be considered prior to forcibly taking a contested site whose owner resists the governments desires. There are alternative sites available. I would go even further and say there should NEVER be a forcible taking of private property by the government, especially for use for another private entity.

No government or entity is so important they should usurp my rights or that of any individual.

The reason to use force to take my property is ONLY because the county wants it at a lower price than the price I would be willing to accept.

If I wanted to sell it at the price that MVHS would pay, that was based on a appraisal, already financed by the county through MVEDGE, the price was at \$280,000. The original appraisal, paid with public money by the county, through MVEdge, is higher, Why the difference? I would have already. If you want to purchase my property, occupied by Citation Services, you could make an offer and I could refuse. I do so refuse your offer of \$154,000 and point out that my neighboring property at 430 Lafayette St .233 acres with a 6173 ft<sup>2</sup> structure sold for \$385,000 (which makes the footprint of that building alone \$62.00 a square foot) where as my building is on .451 acres with a 18,000 ft (sq) structure! The appraisers didn't take into consideration of nearby properties,

(UAP SCHWERTFEGER 5 LOTS \$575,000,

SCHMALZ \$448,000,

ABC CHEM DRY \$385,000

440 Lafayette, Elena Bravo \$60,000

447 Lafayette \$57,000 Guana Construction

all well over \$20 a square foot.)

Your current offer is lower than Mohawk Valley Health System's offer. On the surface that seems totally illogical. Consider that between these two offers; AUD has been expanded, Nexus Center started, Arterial and Oriskany Boulevard both improved, plus significant other roads and sidewalks improved, Irish Culture Center has open, Globe Mill has undergone a massive redevelopment, a new Stewards, a booming car rental

business directly beside me, a near billion dollar hospital is going up across the street, downtown has been awarded \$10M for other projects near me like the "U District proposed by Oneida County was also announced and being touted along with Bagg's Square developments"... seems my acreage alone has easily increased in value, has it not?

In hopes of me taking the original offer from MVHS, the County Attorney after our conversation had MVHS lawyers reaffirm the \$280,000 offer 10/29/20, I didn't give a positive or negative response other than I felt it was worth more.

Our local government shouldn't have the alternative of stealing it by force. You could make a much higher offer in hopes I would sell it. At some price point I may agree to sell it. Perhaps that price would be way above market value, but that is how much I values my property and that is my prerogative. Stealing it at a lower cost is stealing, the difference is theft.

Moreover, we are seeing our elected officials who are apparently think they are above the law, are in violation of equal justice, violation of innocent unless proven guilty by forcing me to defend my property, with all forms of corruption and violation of our Constitution frequently within our government.

The government is devaluing the life of the owner.

RCIL	\$2,250,000	401-409 COLUMBIA	318.041-2-39
			318.041-2-40
CLEMENTE	\$1,750,000	303,309,313 LAFAYETTE	318.042-1-19
			318.042-1-23
			318.042-1-27
			318.042-1-28
MOHAWK HOSP EQUIPMENT	\$1,480,000	301 COLUMBIA	315,336,337
			318.042-33.1
			318.042-33.2
			318.042-33.3
			318.042-33.4
			318.042-33.5
THORP (WOODWORKING)	\$757,000	319-325 LAFAYETTE	318.042-1-17
SALVTION ARMY	\$725,000		318.041-2-18
CLARIS CORRIGAN	\$600,000	333 LAFAYETTE	318.042-1-15
PARK OUTDOOR	\$580,000	514, 524 LAFAYETTE	318.033-33-17
UAP SCHWERTFEGER	\$575,000	431,43-435,444,446,450-454 LAFAYETTE	318.041-2-5
			318.041-2-6
			318.034-1-34
			318.034-1-35
			318.034-1-38
			318.034-1-39
BRANDLEES	\$550,000	300-306 LAFAYETTE	318.042-1-6
CP READ (URBANIKS)	\$540,000	501 LAFAYETTE	318.041-2-1
			318.041-2-2
			318.041-2-3
			318.033-3-14
SCHMALZ	\$448,000	529 ORISKANY / VACANT CARTON	318.034-1-31
			318.034-1-34
			318.034-1-35
			318.034-1-36
MORRISEY	\$400,000	446-454 LAFAYETTE	318.041-2-29
			318.041-2-30
			318.041-2-31
			318.041-2-32
			318.041-2-33
ABC CHEM DRY	\$385,000	432 LAFAYETTE	318.041-1-30
TEASERS CAVO	\$380,000	308-310 COLUMBIA	318.041-1-25

SEAKAN	.....\$	350,000	.....	318.042-1-31	.....	318.042-1-32	¶
BENGEES	.....\$	260,000	.....		.....	318.042-1-24	¶
FISHER AUTO/EAST GATE	.....\$	210,000	.....	327-331-LAFAYETTE	.....	318.042-1-16	¶
ZANDRO-/MAENNERCHOR	.....\$	210,000	.....	460-464-COLUMBIA	.....	318.041-2-35	¶
BOSCO HOUSE	.....\$	205,000	.....	425-429-LAFAYETTE,442-444-COLUMBIA	.....	318.041.2-8	¶
					.....	318.041-2-27	¶
					.....	318.041-2-28	¶
METZLER	.....\$	155,000	.....	317-LAFAYETTE	.....	318-042-1-18	¶
POLANCO next to teasers	.....\$	145,000	.....	312-316-COLUMBIA	.....	318.042.1-26	¶
GARRAMONE	.....\$	105,000	.....	420-422-430-432-COLUMBIA	.....		¶
					.....	318.041-2-22	¶
					.....	318.041-2-25	¶
TURNING POINT CHURCH	.....\$	85,000	.....		.....	318.041-2-26	¶
500-COLUMBIA-LLC	.....\$	8,000	.....	466-470-COLUMBIA	.....	318.041-2-36	¶

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At the public hearing the condemner shall outline the purpose, proposed location or alternate locations of the public project and any other information it considers pertinent, including maps and property descriptions of the property to be acquired and adjacent parcels.

WHERE WERE THESE documents that outline the alternate locations of the public project and any other information it considers pertinent, including maps and property descriptions of the property to be acquired and adjacent parcels.

Alternative sites exist, were if any alternative sites researched ?

If this is for use for downtown, the courthouse, the Aud, and coviently the hospital (warning to city: No garage, no new hospital Observer-Dispatch Jul 25,2017)

Why would a entity, funded by the county, declare if there's no garage, there's no hospital?

The courthouse already has parking, the auditorium has some parking with additional space on the north side of Whitesboro st... the Hospital has available surface parking with property they have already acquired and the new medical office building are far from reality with that space available until there is a project... the Kennedy Garage space is also available and empty space between the proposed garage is also available that would far better suit a garage for downtown... traffic studies also show Lafayette is also a major east west connection for Utica, and I don't see any studies for a unfunded Nexus Center... why are properties closer to those locations not being looked at?

Eminent Domain Procedure Law The acquisition of property required for a public improvement occurs after an extensive and thorough engineering process that includes a series of planning and design phases which lead to a determination that the property is necessary in order to construct the public improvement.

You showed no such report that was extensive and thorough.

All documents should have been available to view for the public hearing

**Replying as Joseph Cerini  
on behalf of Citation Services tenant 418 Lafayette St Corporation**

My name is Joe Cerini, owner of Citation Services in Downtown Utica. In 2001 my office equipment repair, sales, and IT business setup at 418 Lafayette Street. My buildings are circa ~1880 and were the manufacturing site of Utica's first boilers, produced by the International Heater.

Back in 2001, before even closing on these properties, I was repairing their roofs and fixing some failing brick walls. Much sweat equity and hard work has kept these historical properties intact and there was steady improvement to the property.

For almost seven years I've fought plans for a hospital that would bulldoze my properties. My business is not going anywhere. My supporters and I vow to fight eminent domain in successive court battles. Other business and building owners are voicing similar opinions.

This is a matter of principle and personal property rights. I haven't spent the last 20 years maintaining history, that my children and friends have invested too, just to see it taken by eminent domain to be bulldozed.

Politicians promoting this hospital concept have done a great disservice to taxpayers, residents, and the many that love historic Downtown Utica.

The day the hospital concept started was the beginning of the demise of a historic part of Utica, but please be assured the fight is not over.

If any issue of blight or derelict conditions are raised, be it known that these properties have been under threat by the City, County and MVHS hospital for the past few years and would have been further upgraded without those threats. In my building the front is a unfinished deli with all equipment, and plans to restore the vintage windows that are under the plywood are ready on my desk... in hopes of making this Erie Canal vintage building a gem for Utica. New York Court of Appeals has issued a strong statement to municipalities and agencies in the past that land taken for blight must indeed be substandard.

I was told it's rare to find a intact Erie Canal Warehouse still standing and have always treated my building as such.... wish me luck!